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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,808

Applicant(s)

ASHLEY, ALEXIS S R

Examiner

Longbit Chai

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date 2/7/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Priority

1. Applicant's claim for benefit of foreign priority under 35 U.S.C. 119 (a) – (d) is acknowledged.

The application is filed on 5/12/2005 but is a 371 case of PCT/IB03/05037 application filed 11/05/2003 and has a foreign priority application filed on 11/15/2002.

Specification

2. The disclosure is objected to because it contains an embedded hyperlink (SPEC: Page 4 Line 19) and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Objections

3. Regarding claims 1 – 15, the drawing numbers, such as providing (16, 18) presented in the instant claim 1, are suggested to be removed to minimize the dependency between the claims and the drawings so that any number changed in the drawings would not mutually impact the other number used in the claims.
4. Claims 1 and 9 are objected to because of the following informalities: (a) "such data" should be "the usage data" (b) "the same" should be "the usage data" and (c) "the

receiver (or said receiver)" should be ""the broadcast receiver (or said broadcast receiver)". Appropriate correction is required.

5. Claim 1 is objected to because of the following informalities: (a) "from store" should be "from the store" on Line 7 (b) "the sender" should be "a sender" and (c) "the receiver (or said receiver)" should be ""the broadcast receiver (or said broadcast receiver)". Appropriate correction is required.

6. Claim 5 is objected to because of the following informalities: "between the receiver user" should be "between the receiver of an user". Appropriate correction is required.

7. Claim 9 is objected to because of the following informalities: (a) "the source of the privacy policy" should be "a source of the privacy policy" on Line 11 (b) "the sender" should be "a sender" and (c) "the receiver (or said receiver)" should be ""the broadcast receiver (or said broadcast receiver)". Appropriate correction is required.

8. Claim 9 is objected to because of the following informalities: "monitoring and storage means" and control means" should use the proper format of "means for" instead of using "means to".

9. Claim 9 is objected to because of the following informalities: "Apparatus" should be "An Apparatus".

10. Claims 10 – 15 are objected to because of the following informalities: "Apparatus" should be "The Apparatus".

Any other claims not addressed are objected by virtue of their dependency should also be corrected.

Claim Rejections - 35 USC § 112

11. Claims 1 and 9 recite the limitation "the intended use for such data". There is insufficient antecedent basis for this limitation in the claim.
12. Claims 4 and 12 are indefinite because the claim language "based on the same" is considered to be unclear in its meaning and its context about what exactly to constitute the same because it can be referred to "the same" recited on claim 1 (Line 8), which is the usage data (see claim objection #3 for claim 1), or as "privacy policy reference data" of claims 4 and 12.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1 – 7 and 9 – 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Koike et al. (U.S. Patent 2003/0084300).

As per claim 1, Koike teaches a method of harvesting usage data from a broadcast receiver (Koike : Para [0030] and Para [0013] Line 1 – 4) configured to detect and store such usage data (Koike : Para [0036] Line 6 and [0046] – [0049]: privacy

reference and direct identifier are part of the usage data, which also appears in the specification of the instant application), comprising:

providing to said receiver a privacy policy identifying the usage data sought to be harvested and the intended use for such data (Koike : Para [0036] Line 4 – 5 and Para [0013] Line 3 – 4);

at said receiver determining whether a received privacy policy is acceptable; and if acceptable, at the receiver selecting from store the usage data identified in the privacy policy and transmitting the same to the sender of the privacy policy (Koike : Para [0021] Line 7 – 10: provide / transmit the privacy usage data of the user to the server upon the successful comparison between the privacy policy of the server and the privacy preference of the user).

As per claim 9, Koike teaches an for harvesting of usage data comprising:

a broadcast receiver (Koike : Para [0030]);

monitoring and storage means coupled with said broadcast receiver and arranged to detect and store usage data relating to a users operation of said receiver (Koike : Para [0036] Line 6 and [0046] – [0049]: privacy reference and direct identifier are part of the usage data, which also appears in the specification of the instant application);

an input to receive a privacy policy identifying usage data sought to be harvested and the intended use for such data (Koike : Para [0036] Line 4 – 5);

control means coupled with said input and said storage means and operable to determine whether a received privacy policy is acceptable (Koike : Para [0021] Line 7 – 10: by comparing between the privacy policy of the server and the privacy preference of the user); and

an output connectable to a back channel to the source of the privacy policy, the control means being arranged, on determination that said received privacy policy is acceptable, to select from said storage means the usage data identified in the privacy policy and transmit the same to the output (Koike : Para [0021] Line 7 – 10: provide / transmit the privacy usage data of the user back to the server (as a back channel) upon the successful comparison between the privacy policy of the server and the privacy preference of the user).

As per claim 2, Koike teaches the receiver presents a received privacy policy to a user, and acceptance or otherwise of said policy is determined by user input (Koike : Para [0040]).

As per claim 3 and 11, Koike teaches the receiver formats the received privacy policy prior to presentation to the user (Koike : Para [0040]: present in a form of inquiry to the user).

As per claim 4 and 12, Koike teaches the receiver stores privacy policy preference data for a user and, based on the same, determines automatically whether a

received privacy policy is acceptable (Koike : Para [0036] Line 7 – 10: the controller determines automatically).

As per claim 5, Koike teaches determining acceptance includes a process of negotiation between the receiver user and the sender of the privacy policy (Koike : Para [0006] / [0036] / [0040] / [0147]: a negotiation process represents mutual agreements between the server and the user with respect to the privacy policy and privacy preference).

As per claim 6 and 13, Koike teaches a received privacy policy may be partly accepted, with only a part of the requested usage data being transmitted as a result (Koike : Para [0147] : not including all personal private information in all situations).

As per claim 7 and 14, Koike teaches the receiver removes direct identifiers for the user from the usage data prior to transmitting to the sender of the privacy policy (Koike : Para [0147] : the email address may be removed).

As per claim 10, Koike teaches an output device wherein the control means presents a received privacy policy to a user (Koike : Para [0040] and [0041]), and user input means by operation of which a user determines acceptance or otherwise of said policy (Koike : Para [0040]: based on the determination from the user terminal device).

14. Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Nilsson et al. (U.S. Patent 2003/0041100).

As per claim 1, Nilsson teaches a method of harvesting usage data from a broadcast receiver (Nilsson : Para [0006]: from a remote web server) configured to detect and store such usage data (Nilsson : Para [0005]: personal usage profile is stored at the user side and communicated to the web sites), comprising:

providing to said receiver a privacy policy identifying the usage data sought to be harvested and the intended use for such data (Nilsson : Para [0006] Line 5 – 8: from a remote server);

at said receiver determining whether a received privacy policy is acceptable (Para [0006] Line 5 – 8 : by comparing between the privacy policy of the server and the privacy preference of the user); and

if acceptable, at the receiver selecting from store the usage data identified in the privacy policy and transmitting the same to the sender of the privacy policy (Para [0015] Line 6 – 10: transmitted back to the original remote server).

As per claim 9, Nilsson teaches an for harvesting of usage data comprising:

a broadcast receiver (Nilsson : Para [0006]: from a remote web server);

monitoring and storage means coupled with said broadcast receiver and arranged to detect and store usage data relating to a users operation of said receiver

(Nilsson : Para [0005]: personal usage profile is stored at the user side and communicated to the web sites);

an input to receive a privacy policy identifying usage data sought to be harvested and the intended use for such data (Nilsson : Para [0006]: an input from a remote web server);

control means coupled with said input and said storage means and operable to determine whether a received privacy policy is acceptable (Nilsson : Para [0006] Line 5 – 8 : by comparing between the privacy policy of the server and the privacy preference of the user); and

an output connectable to a back channel to the source of the privacy policy, the control means being arranged, on determination that said received privacy policy is acceptable, to select from said storage means the usage data identified in the privacy policy and transmit the same to the output (Nilsson : Para [0015] Line 6 – 10: provide / transmit the privacy usage data of the user back to the original remote server (as a back channel) upon the successful comparison between the privacy policy of the server and the privacy preference of the user).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike et al. (U.S. Patent 2003/0084300), in view of Blasko (U.S. Patent 2001/0049620).

As per claim 15 (and 8), Keiko does not disclose expressly the broadcast receiver is a broadcast television receiver.

Blasko teaches the broadcast receiver is a broadcast television receiver (Blasko : Para [0083] / [0116] : a technique of digital cable television and set-top box is a also conditional access broadcast services and access technique).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Blasko within the system of Keiko because (a) Keiko teaches protecting the user privacy between the server and the user based on the privacy policy and privacy preference (Keiko: Abstract) and (b) Blasko teaches that the user privacy can be protected at many different levels, e.g., complete anonymous or based on the P3P agent that provides security and protects user private information such as name, address, or telephone number in accordance with the W3C Platform for Privacy Preferences Project (P3P) standards to negotiate access to data in the P3P data set in a targeted advertising environment such as broadcast television environment (Blasko : Para [0066] / [0006] / [0089] / [0092] / [0094]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Longbit Chai/

Longbit Chai Ph.D.
Patent Examiner
Art Unit 2131
6/23/2008